



The protection of peaceful demonstrators in Myanmar

General Assembly 1



Shattered Vows: Tracing the Devastation Caused by
Violating Human Rights



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Issue: The protection of peaceful demonstrators in Myanmar

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Introduction

In recent years, Myanmar has witnessed a surge in civic engagement, as its citizens fervently advocate for democratic reforms and human rights. The nation's journey towards political transition, however, has been marked by challenges, with peaceful demonstrators often finding themselves at the forefront of a delicate struggle for change. The protection of these individuals, exercising their right to assemble and express dissent, stands as a crucial barometer for the overall human rights landscape in Myanmar.

This research report delves into the multifaceted dimensions surrounding the safeguarding of peaceful demonstrators in Myanmar. From historical contexts to contemporary developments, the study seeks to provide a comprehensive analysis of the legal, institutional, and social frameworks that influence the protection afforded to those participating in peaceful protests. As the international community closely monitors Myanmar's trajectory, understanding the nuances of how the rights of demonstrators are safeguarded is paramount to fostering a culture of inclusivity, accountability, and respect for fundamental freedoms.

This report navigates through the complexities of the legal framework governing peaceful assembly in Myanmar, highlighting potential gaps and challenges that impede the effective protection of demonstrators. Moreover, it sheds light on the roles played by both state and non-state actors, examining the impact of their actions on the safety and well-being of individuals participating in peaceful protests. Additionally, the study explores the role of technology and media in shaping the narrative around demonstrations, drawing attention to the implications these factors have on the protection of demonstrators.



As Myanmar stands at a critical juncture in its political evolution, this research report aims to contribute nuanced insights and recommendations for bolstering the protection of peaceful demonstrators. By examining the intersection of legal, institutional, and societal factors, the report strives to provide a comprehensive foundation for discussions and policy considerations that can help pave the way towards a more inclusive and democratic Myanmar.



Definition of Key Terms

Rohingya crisis

The Rohingya crisis refers to the systematic persecution, displacement, and grave human rights violations against the Rohingya Muslim minority in Myanmar. The crisis has its roots in longstanding ethnic and religious tensions, but it escalated dramatically in 2017 when the Myanmar military conducted a brutal crackdown in Rakhine State.

This campaign involved mass killings, sexual violence, and the burning of Rohingya villages, leading to a large-scale exodus of Rohingya refugees into neighboring Bangladesh and other countries. The crisis has resulted in a complex refugee situation, drawing international attention and condemnation. The Rohingya have faced discrimination and marginalisation, with their plight characterised by the United Nations and human rights organisations as a serious violation of international law.

Peace protectors

The peace protectors in Myanmar, notably represented by the Civil Disobedience Movement (CDM), constitute a diverse coalition of civil servants, professionals, and ordinary citizens engaging in non-violent resistance against the military junta. Emerging in response to the February 2021 coup, these individuals are united in their commitment to opposing authoritarian rule, advocating for the restoration of democracy, and expressing their unwavering support for democratic principles. Through acts of protest, strikes, and civil disobedience actions, the peace protectors aim to disrupt the functioning of the government under military control, sending a collective and powerful message against the coup. Despite facing challenges and risks under the military regime, the CDM, as part of the broader peace protector movement, plays a crucial role in the ongoing struggle for the return of civilian rule and democratic governance in Myanmar.

Junta

A junta is a government led by a committee of military leaders, particularly after the overthrow of a previous government through force, often a coup d'état. The term is commonly associated with authoritarian or military regimes where power is concentrated in the hands of military officials. Juntas may assume control temporarily or, in some cases, establish long-term military rule. The decision-making process in a junta is typically centralised among military leaders, and civilian institutions may be suppressed or replaced. The term is often used to describe regimes that lack democratic legitimacy and are characterised by the dominance of military authorities in political governance. The concept of a junta has been applied to various historical and contemporary situations around the world.



Martial law

Martial law is a legal and temporary imposition of military control over a designated area, typically during a time of emergency or civil unrest. Under martial law, the usual civilian legal system may be partially or completely replaced by military authority, and the military assumes a prominent role in maintaining law and order.

The declaration of martial law grants military forces the power to enforce laws, restrict movement, and suspend certain civil liberties. It is often justified by the need to respond to situations such as insurrections, natural disasters, or other emergencies where the civilian government may be deemed incapable of effectively addressing the crisis. Martial law is intended to restore order and security, but it also raises concerns about potential abuses of power and the erosion of civil liberties, as civilian institutions may be temporarily supplanted by military authority. The declaration of martial law is typically subject to legal and constitutional limitations, and its implementation varies by country and jurisdiction.



General Overview

The situation in Myanmar has been marked by ongoing political turmoil and civil unrest, primarily triggered by a military coup that took place in February 2021. The military, also known as the Tatmadaw, seized control of the government, overthrowing the civilian leadership and detaining key figures, including the country's de facto leader, Aung San Suu Kyi.

Since the February 2021 military coup in Myanmar, the junta has driven the country further into a human rights and humanitarian catastrophe. At least 55 townships are under martial law. Faced with opposition from the general population and pro-democracy armed groups, the military has struggled to maintain control over the country. The junta's widespread and systematic abuses against the population—including arbitrary arrests, torture, extrajudicial killings, and indiscriminate attacks on civilians—amount to crimes against humanity and war crimes.

Some countries have imposed targeted sanctions, but the international response to the crisis has been uncoordinated. The Myanmar military has yet to face real consequences for the abuses it has committed, both before and since the coup.

In response to the coup, widespread protests erupted across Myanmar, with citizens demanding the restoration of democracy and the release of detained political leaders. The protests were largely peaceful, but the military responded with force, leading to clashes and instances of violence. The security forces' actions have been criticized internationally, with reports of human rights abuses, including the use of lethal force against protesters and arbitrary arrests.

The Civil Disobedience Movement (CDM) emerged as a significant non-violent resistance movement, with civil servants, professionals, and ordinary citizens participating in acts of protest to oppose the military junta. The movement aimed to disrupt the functioning of the government and convey a unified message against the coup.

The international community has expressed widespread concern and condemnation of the military's actions. Various countries and international organizations have imposed sanctions on Myanmar's military leaders in an effort to pressure them to restore democratic governance and respect human rights. Diplomatic efforts and calls for dialogue have also been made to address the crisis.



Additionally, the Rohingya crisis remains a persistent concern in Myanmar, as the Rohingya Muslim minority continues to face persecution, displacement, and human rights violations. The situation has led to a complex refugee crisis and has garnered international attention and criticism. It's important to note that the situation is fluid, and developments may have occurred since my last update. For the most current information, it's advisable to consult recent news sources.

Protecting peaceful demonstrators in Myanmar is crucial for upholding human rights, democratic principles, and social stability. Ensuring the right to peaceful assembly and freedom of expression is fundamental, contributing to a democratic society. Legitimizing protests fosters an inclusive political environment, while awareness-raising and advocacy thrive. Encouraging non-violent dissent and adhering to international norms enhances Myanmar's global standing. The legitimacy of governance is bolstered, and preventing escalation becomes pivotal in maintaining social harmony. Ultimately, safeguarding peaceful demonstrators aligns with ethical imperatives and contributes to a society where citizens actively participate in constructive dialogue, fostering positive political and social development.



Major Parties Involved

The national League for Democracy

The National League for Democracy (NLD) in Myanmar, led by Aung San Suu Kyi, historically championed democratic principles and supported citizens' rights to peaceful assembly. Before the military coup in February 2021, the NLD encouraged an environment for peaceful demonstrations. Post-coup, despite restrictions, the NLD backed the Civil Disobedience Movement (CDM) and engaged in international advocacy for democracy. The party, including Aung San Suu Kyi, continued to communicate its stance through various channels, calling for international pressure against the military junta and the protection of peaceful demonstrators, despite facing challenges under the military regime.

Tatmadaw

The Tatmadaw, Myanmar's military forces, holds historical significance as key contributors to the nation's fight for independence. Throughout Burma's history, the Tatmadaw has wielded substantial political influence, steering the country through periods of military rule. In a stark move, the military staged a coup in February 2021, toppling the civilian government and reinstating direct control. Despite facing international censure for alleged human rights abuses, particularly against ethnic minorities and the Rohingya population, the Tatmadaw remains a formidable force. Its involvement in the economy through military-owned enterprises continues to shape Myanmar's political landscape, subjecting it to ongoing domestic and international scrutiny.

Civil Disobedience Movement

The Civil Disobedience Movement (CDM) in Myanmar, initiated in response to the 2021 military coup, actively engages in non-violent resistance. Comprising civil servants, professionals, and citizens, the movement participates in strikes, protests, and civil disobedience actions. Their involvement centers on peacefully resisting the military junta, advocating for the restoration of democracy, and expressing opposition to authoritarian rule. The CDM's grassroots nature emphasizes collective defiance against the coup, uniting diverse sectors of society in a shared commitment to democratic principles. While not a political party, the CDM significantly contributes to the ongoing struggle for the return of civilian rule in Myanmar.

The United Nations

The United Nations (UN) plays a pivotal role in Myanmar by monitoring human rights, facilitating diplomatic mediation, and providing international aid. Special Rapporteurs assess human rights issues, while diplomatic efforts aim to resolve political conflicts through dialogue. The UN offers humanitarian assistance in crisis regions, advocates for democratic principles, and addresses the Rohingya refugee crisis. The Security Council may impose sanctions or resolutions to influence Myanmar's behavior, and UN agencies coordinate with

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9, 10 and 11th of February 2024, Gouda



international partners. While the UN's impact depends on cooperation and geopolitical factors, its multifaceted engagement aims to address the complex political and humanitarian challenges in Myanmar.



Timeline of Events

- February 1st 2021: Tatmadaw stages a coup
- March 10th 2021: The UN Security Council unanimously calls for a reversal of the military coup in Myanmar and condemns the military's violence against peaceful protesters.¹
- October 16th 2021: In an unprecedented move, the Association of Southeast Asian Nations (ASEAN) excludes Min Aung Hlaing from their summit, saying the military has failed to make progress on its five-point plan to end the crisis.²
- July 2022: The military executes four anti-coup activists in the first use of the death penalty in Myanmar in more than 30 years.
- Phyo Zeya Thaw, a former legislator from the NLD, and prominent democracy activist Kyaw Min Yu, better known as Ko Jimmy, were hanged for their involvement in organising “brutal and inhumane terror acts”, the state-run Global New Light of Myanmar newspaper said. Dozens more are on death row.
- December 21nd 2022: The UN Security Council adopts its first resolution on Myanmar since it was admitted to the world body as Burma in 1948, demanding an end to violence and the release of all political prisoners, including Aung San Suu Kyi.
- Of the council's 15 members, 12 vote in favour. China and Russia, who have supported Myanmar's military leaders since the coup, abstain as does India.

¹ <https://www.aljazeera.com/news/2023/2/1/timeline-two-years-since-the-myanmar-military-coup>

² <https://www.aljazeera.com/news/2023/2/1/timeline-two-years-since-the-myanmar-military-coup>



Februari 1st 2023: The Assistance Association for Political Prisoners (AAPP) estimates nearly 3,000 anti-coup activists and civilians have been killed since the coup — double the number from a year ago.

AAPP records show 17,572 people have been arrested, with 13,763 still in detention.



Previous attempts to solve the issue

Five-point consensus

The Five-Point Consensus, established in an ASEAN summit in April 2021, aimed to address the political crisis in Myanmar. It called for an immediate end to violence, emphasized constructive dialogue, appointed a special envoy to mediate, advocated for humanitarian assistance, and proposed a visit by the envoy to Myanmar. This agreement sought a peaceful resolution, protection of human rights, and alleviation of the humanitarian impact. However, its effectiveness faced scepticism, as the military junta in Myanmar faced accusations of rights abuses and showed reluctance to engage in meaningful dialogue, leaving the situation complex and ongoing protests against political repression.

National Reconciliation Process:

The National Reconciliation Process in Myanmar, initiated by the government, aimed to address deep-seated ethnic conflicts. Marked by ceasefires and a Political Dialogue Framework, it sought unity among the diverse ethnic groups. Led by State Counsellor Aung San Suu Kyi, the process faced challenges in inclusivity and autonomy. Despite some ceasefire agreements, criticisms arose over the slow pace and effectiveness. Ongoing since its inception, the process's dynamics were significantly impacted by the 2021 military coup, altering the trajectory of reconciliation efforts in the complex political landscape of Myanmar.



Possible solutions

A comprehensive solution to the political crisis in Myanmar demands a multifaceted approach.

First and foremost, fostering an inclusive dialogue that involves all key stakeholders, including the military, ethnic groups, political entities, and civil society, is crucial for addressing deep-seated grievances and establishing a framework for political representation and power-sharing. International diplomacy remains pivotal, with continued pressure on the military junta to respect human rights, release political prisoners, and engage in substantive discussions for a peaceful transition to democracy.

Supporting the results of the 2020 elections and providing humanitarian assistance to those affected by the crisis are essential steps. The United Nations, regional organisations like ASEAN, and the international community should play active roles in mediating and ensuring accountability for human rights violations.

Additionally, targeted economic sanctions can be employed strategically. Empowering civil society and fostering regional cooperation contribute to a more resilient and inclusive society. The success of these solutions hinges on the commitment of all parties to engage in constructive dialogue and compromise for the collective benefit of Myanmar.



Important documents

<https://www.securitycouncilreport.org/un-documents/myanmar/>

<https://press.un.org/en/2022/sc15159.doc.htm>

<https://reliefweb.int/report/myanmar/resolution-adopted-human-rights-council-4-april-2023-5231-situation-human-rights-myanmar-ahrcres5231>

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